IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 10828 of 2006(L)

PETITIONER:

M/S/DINI RUBBER WORKS, MUTTIKKAL,
KUNDANNOOR, REPRESENTED BY ITS MANAGING PARTNER,
T.P.SEBSTIAN.

BY ADV. SRI.P.PAULOCHAN ANTONY
SRI.NISHIN GEORGE VIJAYABABU

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY CHIEF ENGINEER (APTS),
K.S.E.B. PATTOM, THIRUVANANTHAPURAM.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KUNDANNOOR, THRISSUR.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 10828/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SITE MAHAZAR PREPARED BY THE 3RD RESPONDENT UNDER THE DIRECTION OF APTS IN THE MATTER OF THE PETITIONER FIRM.

P2 : COPY OF THE APPEAL.

P3 : COPY OF THE ARGUMENT NOTES SUBMITTED BEFORE THE 2ND RESPONDENT.

P4 : COPY OF THE SITE MAHAZAR PREPARED BY THE 3RD RESPONDENT UNDER THE DIRECTION OF APTS IN THE MATTER OF M/S. CENTURY INDUSTRIES, THRISSUR.

P5 : COPY OF THE IMPUGNED ORDER DATED 28/03/2006.

P6 : COPY OF THE REVISED BILL DATED 31/03/2006 FOR A TOTAL AMOUNT OF RS. 1,25,901/-

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 10828 of 2006

Dated, this the 22nd day of August, 2007

J U D G M E N T

Petitioner is challenging Ext.P5 order, whereunder the Deputy Chief Engineer granted only partial relief on petitioner's appeal against penal electricity bill. I heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. Petitioner's argument is that he has not tampered with the meter. Petitioner has also relied on a certificate by the Field Engineer of the KSEB that meter was OK. However, on going through Ext.P5, I find, penal bill is raised based on the findings of Anti Power Theft Squad during inspection that petitioner tampered with the interior connections in the meter by interchanging pressure coil connections and thereby permitting recording of only 16% of the actual consumption. The meter was checked by using standard Achuckeck and it was found that only 16% of the consumption of the energy was recorded. Besides this, it was found that the outside seal was fake and manipulated. I do not think there is any justification to reverse the findings because all these facts are found based on evidence collected during inspection by Anti Power Theft Squad. I

find that the Deputy Chief Engineer has granted substantial relief by estimating consumption only for 10 hours a day and evaded consumption fixed at 85% originally was reduced to 75%. Moreover, working of the factory was taken only for 25 days in a month and the penal bill is charged only for six months in terms of the statute. Therefore, there is no ground to interfere with Ext.P5 order in appeal, which is a well reasoned order. However, petitioner is granted two equal monthly instalments to clear the arrears, first of which will be paid on or before 20/09/2007 and the balance on or before 20/10/2007.

This writ petition is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg